

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiffs,)	4:06CR3128
)	
v.)	TENTATIVE FINDINGS FROM
)	PRESENTENCE INVESTIGATION
ALICIA M. OLSEN,)	REPORT AND OBJECTIONS TO THE
)	REPORT, AND MOTION FOR
Defendants.)	DEVIATION OR VARIANCE FROM THE
)	GUIDELINES

The defendant has objected to paragraphs 39 and 80 of the Presentence Investigation Report, asserting that Ms. Olsen should receive a 4-level reduction pursuant to U.S.S.G. § 3B1.2 for being a minimal participant in the offense.

A minimal participant, according to § 3B1.2, Application Note 4 is one who is “plainly among the least culpable of those involved in the conduct of a group. Under this provision, the defendant’s lack of knowledge or understanding of the scope and structure of the enterprise and of the activities of others is indicative of a role as minimal participant. It is intended that the downward adjustment for a minimal participant will be used infrequently.”

A minor participant, according to § 3B1.2, Application Note 5 applies “to a defendant described in Application Note 3(A) who is less culpable than most other participants, but whose role could not be described as minimal.”

The criminal history category is I and the total offense level is 13, unless the level is reduced for the defendant’s role in the offense, as now sought in the Motion for Deviation or Variance from the Guidelines.

Inasmuch as new facts have been asserted to support the Motion for Deviation or Variance from the Guidelines and in support of the objection, an evidentiary hearing will be required and will be conducted at the time of the sentencing. The defendant has asked for

approximately one-half hour to present her evidence. That will be permitted and the government may have a similar time to present its evidence in opposition.

Dated April 2, 2007.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge

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